

REMARKS**Allowable Subject Matter**

Claims 1, 4, 5, 14, 17, 18, 20, 27, 29, 30, 35, 37, 41-44 and 46-48 have been indicated as allowed.

Claim 7 has been indicated as allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112, second paragraph. As discussed below, Claim 7 has been amended to recite "mouse tetraploid blastocysts" in place of "non-human tetraploid blastocysts", thereby obviating the rejection of Claim 7 under 35 U.S.C. § 112, second paragraph. As such, Claim 7, as amended, is allowable.

Rejection of Claims 9, 10, 12, 13, 22, 24-26, 31-34, 38, 39, 40 and 45 Under 35 U.S.C. 112, First Paragraph

Claims 9, 10, 12, 13, 22, 24-26, 31-34, 38 and 39 stand rejected and Claim 45 is newly rejected under 35 U.S.C. § 112, first paragraph, because, in the Examiner's assessment, the specification "while being enabling for a *wild-type* or XO mouse or embryo . . . does not reasonably provide enablement for the wide variety of mice produced according to the methods". Paper No. 17, sentence bridging pages 8 and 9. See also Paper No. 17, page 5, lines 7-14. Applicants respectfully disagree with this assessment for the reasons of record. However, in an effort to advance prosecution in the subject application, Claims 9, 10, 12, 13, 22, 24-26, 31-34, 38, 39 and 45 have been cancelled without prejudice.

Claim 40 also stands rejected under 35 U.S.C. § 112, first paragraph, because, in the Examiner's assessment, the claim contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and use the invention. Paper No. 17, at page 9, lines 3-5. Applicants respectfully disagree with this assessment for the reasons of record. However, in an effort to advance prosecution in the subject application, Claim 40 has been cancelled without prejudice.

Rejection of Claims 9, 22, 33 and 38 Under 35 U.S.C. § 102(b)

Claims 9, 22, 33 and 38 stand rejected under 35 U.S.C. § 102(b) as anticipated by Ueda *et al.* (*Exp. Anim.*, 44:205-210 (1995)) as evidenced by Yagi *et al.* (*Anal. Biochem.*, 214:70-76 (1993)).

Applicants respectfully disagree with the Examiner's conclusion that Claims 9, 22, 33 and 38 are anticipated by the teachings of Ueda *et al.* for the reasons of record. However, in an effort to advance prosecution in the subject application, Claims 9, 22, 33 and 38 have been cancelled without prejudice.

Rejection of Claims 9, 10, 12, 13, 22, 24-26, 31-34, 38-40 and 45 Under 35 U.S.C. § 112, First Paragraph

Claims 9, 10, 12, 13, 22, 24-26, 31-34, 38-40 and 45 have been newly rejected under 35 U.S.C. § 112, first paragraph, because, in the Examiner's assessment, the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that Applicants had possession of the claimed invention at the time the application was filed.

Applicants respectfully disagree with this assessment. However, in an effort to advance prosecution in the subject application, Claims 9, 10, 12, 13, 22, 24-26, 31-34, 38-40 and 45 have been cancelled without prejudice.

Rejection of Claim 7 Under 35 U.S.C. § 112, Second Paragraph

Claim 7 has been newly rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, Claim 7 has been rejected as indefinite in the recitation of "non-human tetraploid blastocyst" because "the tetraploid blastocyst of the base claim 5 is limited to a mouse tetraploid blastocyst". Paper No. 17, at page 14, lines 11-16.

Claim 7 has been amended to recite "mouse tetraploid blastocysts" in place of "non-human tetraploid blastocysts", thereby obviating the rejection of Claim 7 under 35 U.S.C. § 112, second paragraph.

Rejection of Claims 10, 12, 24 and 25 Under 35 U.S.C. § 102(b)

Claims 10, 12, 24 and 25 have been newly rejected under 35 U.S.C. § 102(b) as being anticipated by Ueda *et al.* (*Exp. Anim.*, 44:205-210 (1995)) as evidenced by Yagi *et al.* (*Anal. Biochem.*, 214:70-76 (1993)).

Applicants respectfully disagree with the Examiner's conclusion that Claims 10, 12, 24 and 25 are anticipated by the teachings of Ueda *et al.* for the reasons discussed in connection with the rejection of Claims 9, 22, 33 and 38 under 35 U.S.C. § 102(b). However, in an effort to advance prosecution in the subject application, Claims 10, 12, 24 and 25 have been cancelled without prejudice.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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